

**REMARKS**

Applicants thank Supervisory Examiner Andrew Wang for the courtesy of a telephone conference. The Supervisory Examiner recommended that the response to the restriction request would be allowed if (a) the Applicants cancel present claims submitted March 23, 2004 and submit new claims 40-58 to correct the deficiency in the response to the restriction request submitted December 19, 2003, and (b) Applicants explain to the Examiner how independent new claim 40 corresponds to claim 1 in Group I in the restriction request dated June 30, 2003.

Group I is elected. The subject matter claimed in canceled claims 1-3 are now presented in new claims 40-58. The subject matter claimed in Groups 2-10 has been withdrawn without prejudice.

Claims 40-58 consist of a single independent claim (claim 40) and 17 dependent claims (claims 41-58). Claim 40 corresponds to claim 1 in Group I of the restriction request. The office action dated 6/20/03 asserted that Group I (claims 1-3) are drawn to a fusion protein comprising a SeCys peptide and surface protein. New claim 40 is drawn to a fusion protein comprising a SeCys containing peptide covalently linked to a surface protein positioned on an amplifiable particle.

For the reasons set forth above, Applicants respectfully submit that this case is in condition for immediate allowance. Early and favorable consideration leading to prompt issuance of this Application is earnestly solicited.

Sandman et al.

09/937,187

Page 6

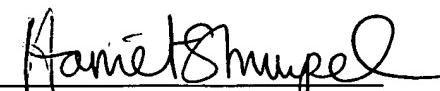
Should the Examiner wish to discuss any of the remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

Respectfully submitted,

NEW ENGLAND BIOLABS, INC.

Date: July 7, 2004

Customer No.: 28986



Harriet M. Strimpel, D. Phil.

(Reg. No.: 37,008)

Attorney for Applicant

32 Tozer Road

Beverly, Massachusetts 01915

(978) 927-5054; Ext. 373